

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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Joseph C. Sun,

Plaintiff,

v.

Bluffton Police Dept., et. al.,

Defendants.

Case No. 9:09-cv-2050-RMG-BM

ORDER

This matter is before the court upon the magistrate judge's recommendation. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with 28 U.S.C. § 636(b)(1)(B). Because petitioner is *pro se*, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate's report.

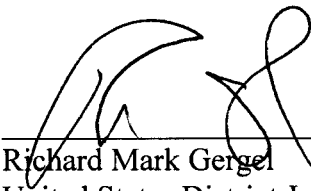
Absent a timely objection from a dissatisfied party, a district court is not required to review, under a *de novo* or any other standard, a Magistrate Judge's factual or legal conclusions. *Thomas v. Arn*, 474 U.S. 140, 150 (1985); *Wells v. Shriner's Hosp.*, 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Petitioner did not file any specific, written objections, the Court need not conduct a *de novo* review of any portion of the report and recommendation. Accordingly, the Court hereby adopts

¹ Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02 (B)(2), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to the Court.

the Magistrate Judge's R&R (Dkt. No. 89) as the Order of this Court, and it is

ORDERED that the Defendants Matyushevsky and CODA's motion to dismiss are **granted**, and that these Defendants are **dismissed** as party Defendants in this case. Further, as these two Defendants are the only Defendants named in Plaintiff's First Cause of Action (RICO claim), Plaintiff's first cause of action is **dismissed, in toto**. With respect to Plaintiff's remaining § 1983 excessive force claim (Count 2 of the Complaint), Bluffton Police Department is **dismissed** as a party Defendant in this case. However, the motion to dismiss with respect to the Defendant Dickson is **denied** for the reasons stated in the R&R in this early stage of the proceeding. Thus, the only remaining claim in this matter is Plaintiff's § 1983 excessive force claim against the Defendant Dickson.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

September 21, 2010
Charleston, South Carolina